

AMENDMENTS TO THE DRAWINGS:

The attached replacement drawing sheets include changes to clarify details of Applicant's invention, in response to the Examiner's comments on page 2 of the Office Action.

Attachments: Replacement Drawing Sheets (4 sheets including FIGS. 43-46).

REMARKS

By this Reply, claims 1 and 5 have been amended; and claims 2-4 and previously withdrawn claims 39-53 have been cancelled. Previously withdrawn claims 39-53 have been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue these claims in a related application. Accordingly, claims 1 and 5-37 are pending in this application. No new matter has been introduced by this Reply.

In the Office Action, the Examiner required new corrected drawings in compliance with 37 C.F.R. § 1.121(d), since the formal drawings submitted on January 21, 2004 allegedly fail to clearly show details of Applicant's invention. The Examiner also rejected claims 2-7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,865,728 to Moll et al. ("Moll"); claims 1-8 and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,488,877 to Klein et al. ("Klein"); and claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Klein.

Requirement for New Corrected Drawings

In response to the requirement for new corrected drawings, Applicant's representatives contacted the Examiner for clarification as to the basis for the Examiner's objection to the drawings. In a voicemail left by the Examiner on July 3, 2007, the Examiner indicated that the reason for the objection was that FIGS. 43-46 allegedly fail to show the details of the invention clearly. Accordingly, Applicant provides the replacement drawing sheets described on page 11 of this Reply to remedy the alleged deficiencies in FIGS. 43-46 cited by the Examiner. Applicant

submits that FIGS. 43-46 of the replacement drawing sheets show the details of the invention more clearly. If the replacement drawing sheets for any reason are not in full compliance with the pertinent statutes and regulations, or if more replacement drawing sheets are necessary, please so advise the undersigned.

Rejection Under 35 U.S.C. § 112, Second Paragraph

In the Office Action, the claim 2 was rejected as being indefinite because the functional recitation "for mounting the retractor to the insertion device," was not supported by recitation in the claim of sufficient structure for accomplishing the function. In this reply, claim 2 has been cancelled. The subject matter of claim 2 has been inserted into independent claim 1. Amended independent claim 1 now recites, *inter alia*, "wherein the insertion tool includes a groove for receiving the distal portion of the retractor for mounting the retractor to the insertion tool." Applicant submits that the functional recitation "for mounting the retractor to the insertion tool" is definite at least because amended independent claim 1 discloses sufficient structure (i.e., a groove) for accomplishing the function. Also, in amended independent claim 1, the phrase "insertion tool" has been used instead of the phrase "insertion device." Accordingly, the amendment remedies the alleged indefiniteness, and this rejection should be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

In light of the amendments to independent claim 1, Applicant requests withdrawal of the rejections under 35 U.S.C. § 102(b) set forth on page 3 of the Office Action. Amended independent claim 1 now recites, *inter alia*, "a wound retractor system comprising: a retractor . . . wherein the retractor includes a distal portion; and an

insertion tool . . . wherein the insertion tool includes a groove for receiving the distal portion of the retractor for mounting the retractor to the insertion tool.”

Moll fails to teach or suggest each of the limitations recited in amended independent claim 1. Moll discloses a device including a main envelope 6, a main inflation tube 16 sealed into the main envelope 6, and an inflation tube shield 61. See Moll, column 8, lines 65-67; column 9, lines 5 and 6; and column 10, lines 12-15; and FIGS. 1-4D. When main envelope 6 is inflated, its expansion displaces a bowel B. See *Id.* at column 12, lines 33-36; and FIGS. 1-4D. FIGS. 1-4D of Moll make clear that inflation tube shield 61 is coupled to main envelope 6 near a proximal portion of main envelope 6, rather than at a distal portion of main envelope 6 (i.e., near the element indicated as 31 in FIG. 2 of Moll). Further, inflation tube 61 does not include a groove for receiving a distal portion of main envelope 6. Since inflation tube 61 of Moll does not include a groove for receiving the distal portion of main envelope 6, Moll fails to teach or suggest, “a wound retractor system comprising: a retractor . . . wherein the retractor includes a distal portion; and an insertion tool . . . wherein the insertion tool includes a groove for receiving the distal portion of the retractor for mounting the retractor to the insertion tool,” as recited in amended independent claim 1. Accordingly, Moll fails to anticipate amended independent claim 1.

Klein also fails to teach or suggest each of the limitations recited in amended independent claim 1. Klein discloses an implant including a rigid tubular device 10 and attached flexible sleeve member 12, with rigid tubular device 10 including a ridge 46 allowing rigid tubular device 10 to be held by means of a forceps during implantation and needle change operations. See Klein, column 2, lines 60-62; and column 4, lines 5-

8. Klein states that “[a] suitable forceps tool for gripping ridge 44 is described in co-pending application, Serial No. 209,058, filed 11/21/80, the disclosure of which is incorporated herein by reference.” Id. at column 4, lines 8-10. The co-pending application being referred to in Klein is U.S. Patent No. 4,776,843 to Martinez et al. (“Martinez”). In Martinez, a stem clamping forceps 100 is depicted that includes arms 101 and 102 having grooves 105 and 106 for engaging a flange 42 of a stem 11. See Martinez, column 8, lines 50-61; and FIGS 14-18. However, grooves 105 and 106 of stem clamping forceps 100 do not receive a distal portion of rigid tubular device 10, but rather, receive a proximal portion of rigid tubular device 10. Thus, since grooves 105 and 106 do not receive a distal portion of rigid tubular device 10, Klein and Martinez fail to teach or suggest “a wound retractor system comprising: a retractor . . . wherein the retractor includes a distal portion; and an insertion tool . . . wherein the insertion tool includes a groove for receiving the distal portion of the retractor for mounting the retractor to the insertion tool,” as recited in amended independent claim 1. Accordingly, the references fail to anticipate amended independent claim 1.

Claims 5-8 and 14 each depend from amended independent claim 1, and are allowable for at least the reasons stated above that amended independent claim 1 is allowable. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

Rejection Under 35 U.S.C. § 103(a)

In light of the amendments to independent claim 1, Applicant requests withdrawal of the rejection of claims 15 and 16 under 35 U.S.C. § 103(a) over Klein. As discussed

above, Klein fails to teach or suggest each of the limitations in amended independent claim 1, from which claims 15 and 16 depend. Even if stem clamping forceps 100 of Klein could be modified with respect to its dimensions in the manner suggested on page 4 of the Office Action, such a modification would not remedy the deficiencies of Klein set forth in the discussion of amended independent claim 1. Therefore, claims 15 and 16 are allowable at least for the same reasons that amended independent claim 1 is allowable.

Request for Rejoinder

Applicant requests that withdrawn claims 9-13 and 17-37 be rejoined with the elected claims in this application. Claims 9-13 and 17-37 all depend either directly or indirectly from amended independent claim 1, and thus, are allowable for at least the same reasons that amended independent claim 1 is allowable. In addition, each of these withdrawn dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any additional extensions of time required to enter this response
and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: July 30, 2007

By: 
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Attachments: **Replacement Drawing Sheets (4 sheets including FIGS. 43-46).**